



**PATENT**  
**EMC-01-160**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>APPLICANT:</b>	William Zahavi	<b>GROUP ART UNIT:</b>	2188
<b>U.S.S.N.:</b>	09/965,431	<b>CONFIRMATION NO.:</b>	3626
<b>FILING DATE:</b>	September 26, 2005	<b>EXAMINER:</b>	Bragdon, Reginald Glenwood
		<b>CUSTOMER NO.</b>	<b>24227</b>
<b>TITLE:</b>	<b>SYSTEM AND METHOD FOR CONFIGURING DATA STORAGE IN ACCORDANCE WITH WORKLOAD REQUIREMENTS</b>		

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on SEPTEMBER 9, 2005.

*Mary P. McDermott*  
**MARY P. McDERMOTT**

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

The owner, EMC Corporation, of one hundred (100) percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of Co-pending Application No. 10/180,716. The owner hereby agrees that

Applicant: William Zahavi  
U.S.S.N.: 09/965,431  
Filing Date: September 27, 2001  
EMC Docket No.: EMC-01-160

any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

Respectfully submitted,  
EMC Corporation

Date:

Sept. 8, 2005

Robert Kevin Perkins  
Signature

Robert Kevin Perkins  
Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

Effective 12/08/2004.

# FEE TRANSMITTAL

## For FY 2005

SEP 12 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1,030.00

## Complete if Known

Application Number	09/965,431
Filing Date	September 27, 2001
First Named Inventor	William Zahavi
Examiner Name	Bragdon, Reginald Glenwood
Art Unit	2188
Attorney Docket No.	EMC-01-160

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: **05-0889** Deposit Account Name: **EMC Corporation**

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or any underpayment of fee(s) ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

## EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Total Claims		Extra Claims		Fee		Fee Paid
	35	-25** =	10	X	50	=	500.00
Independent Claims	5	-3** =	2	X	200	=	400.00
Multiple Dependent				X	360	=	
					Total		\$ 900.00

\*\* or number previously paid, if greater

## Additional Fees for Large Entity

Fee Code	37 CFR	Fee(s)	Fee Description	Fee Paid
1051	116(e)	130	Surcharge - late filing fee or oath	
1052	1.06(i)	50	Surcharge - late provisional filing fee or cover sheet	
1812	1.20(c)(1)	2520	Request for <i>ex parte</i> reexamination	
1251	1.17(a)(1)	120	Extension for reply within first month	
1252	1.17(a)(2)	450	Extension for reply within second month	
1253	1.17(a)(3)	1020	Extension for reply within third month	
1254	1.17(a)(4)	1590	Extension for reply within fourth month	
1255	1.17(a)(5)	2160	Extension for reply within fifth month	
1401	41.20(b)(1)	500	Notice of Appeal	
1402	41.20(n)(2)	500	Filing a brief in support of an appeal	
1403	41.20(b)(3)	1000	Request for oral hearing	
1452	1.17(l)	500	Petition to revive - unavoidable	
1453	1.17(m)	1500	Petition to revive - unintentional	
1501	1.18(a)	1400	Utility issue fee	
1807	1.17(q)	50	Processing fee for provisional applications	
1806	1.17(p)	180	Submission of Information Disclosure Statement	
8021	1.21(h)	40	Recording each patent assignment per property (times number of properties)	
1809	1.17(r)	790	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	1.17(s)	790	For each additional invention to be examined (37 CFR 1.129(b))	
1801	1.17(e)	790	Request for Continued Examination (RCE)	
1802	1.17(k)	900	Request for expedited examination of a design application	
1814	1.20(d)	130	Statutory Disclaimer	130.00
Other fee (specify) _____				
<b>TOTAL</b>				<b>(\$ 130.00)</b>

## SUBMITTED BY

Signature	<i>Robert Kevin Perkins</i>	Registration No. (Attorney/Agent)	36,634	Telephone	508-293-6985
Name (Print/Type)	Robert Kevin Perkins	Date	Sept. 8 2005		

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.